

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

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CLERK'S OFFICE, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
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MILLICENT R. BARASCH, §  
INDIVIDUALLY AND ON BEHALF OF §  
THOSE SIMILARLY SITUATED, §  
§  
PLAINTIFF, §  
§  
V. §  
§  
GPB CAPITAL HOLDINGS, LLC, ET AL., §  
§  
DEFENDANTS. §

CAUSE NO. 1:19-CV-1079-LY

**SCHEDULING ORDER**

This is a class action lawsuit involving many parties, including more than 30 Defendants. A related class action, *Kinnie Ma Individual Retirement Account v. Ascendant Capital, LLC, et al.*, Cause Number 1:19-CV-1050-LY, has more than 80 Defendants. The court held a video conference with the parties in both cases on September 23, 2020. Following the conference, the court ordered the parties to meet and confer and propose to the court a joint scheduling order (Doc. No. 242). The parties proposed a scheduling order on October 16, 2020 (Doc. No. 247). The court, having considered the matters discussed at the video conference and reviewed the proposed scheduling order, now **ORDERS** the following:

1. The stay of all proceedings entered on August 21, 2020 is **LIFTED** (Doc. No. 231).
2. Defendant EisnerAmper's Motion to Dismiss under Rule 12(b)(2) and the Doctrine of *Forum Non Conveniens* (Doc. No. 205) is **DISMISSED WITHOUT PREJUDICE**.
3. All other pending motions to dismiss are deemed **WITHDRAWN** at the request of the parties (Doc. Nos. 201–204, 206–214).

4. **On or before November 9, 2020**, Plaintiff shall file an amended complaint specifically identifying by name each party that Plaintiff is suing.
5. **On or before December 21, 2020**, each Defendant shall answer or otherwise respond to the amended complaint. The parties will confer in good faith about the filing of joint motions and omnibus responses thereto, including the filing of a single appendix. Further, the title of any motion to dismiss shall identify each:
  - a. defendant joining in the motion; and
  - b. ground for dismissal, such as “under Rule 12(b)(1)” or “under Rule 12(b)(6).”
6. Plaintiff may respond to any motion to dismiss **on or before February 12, 2020**.
7. A Defendant may reply to any response from Plaintiff **on or before March 12, 2020**.

SIGNED this 23rd day of October, 2020.

  
LEE YEAKEL  
UNITED STATES DISTRICT JUDGE